

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MIKAL S. DUNMORE, Sr.,  
11 Plaintiff,  
12 v.  
13 J. LYNCH, et al.,  
14 Defendant

No. 2:22-cv-01274-TLN-EFB (PC)

## FINDINGS AND RECOMMENDATIONS

16 Plaintiff, a state prisoner, proceeds without counsel in an action brought under 42 U.S.C. §  
17 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. §  
18 636(b)(1).

19 On September 21, 2022, the court screened plaintiff's complaint pursuant to 28 U.S.C.  
20 § 1915A. ECF No. 9. The court dismissed the complaint, explained the deficiencies therein, and  
21 granted plaintiff thirty days in which to file an amended complaint to cure the deficiencies. *Id.*  
22 The screening order warned plaintiff that failure to comply would result in a recommendation that  
23 this action be dismissed. The time for acting has now passed and plaintiff has not filed an  
24 amended complaint or otherwise responded to the court's order. Thus, it appears that plaintiff is  
25 unable or unwilling to cure the defects in the complaint.

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Accordingly, it is RECOMMENDED that this action be dismissed without prejudice for the reasons set forth in the September 21, 2022 screening order (ECF No. 9).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

Dated: October 27, 2022.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE